



**CITY OF LODI  
COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (175,611.33).

**MEETING DATE:** March 15, 2006 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$175,611.33.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, and JAMS Mediation Services for services incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment.

**Folger Levin & Kahn - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	Total Amount
8001	93343	1/31/2006	General Advice/Environmental Matters	\$260.00
8002	93344	1/31/2006	People v M&P Investments	11,315.62 (32.50)
8003	93280	1/31/2006	Hartford Insurance Coverage Litigation	159,427.29 (4,418.00)
8008	93346	1/31/2006	City of Lodi v. Envision Law Group	8,097.26
				<u>\$174,649.67</u>

**JAMS Mediation Service**

Invoice No.	Date	Description	Amount
1119393-110	02/2006	Mediation Services – M&P Investments	<u>\$ 961.66</u>

**FISCAL IMPACT:** Expenses will be paid out of the Water Fund

**FUNDING AVAILABLE:** Water \$175,611.33.

Approved:

Approved:

Ruby Paiste, Interim Finance Director

Stephen Schwabauer, City Attorney

APPROVED:

Blair King, City Manager

**PCE/TCE Litigation**  
**6-Month Budget Recap (January - June 2006)**

**JANUARY**

<b>Matter</b>	<b>6-Month Budget*</b>	<b>Opening Balance for 6-Month Budget</b>	<b>One Month Amount</b>	<b>Amount Billed January**</b>	<b>Variance from Monthly Amount</b>	<b>Remainder 6-Month Budget</b>	<b>Cumulative Billed In 6-Mo. Budget Period</b>
M&P, Related Cases includes matters 8001, 8002, 8007	\$ 667,500	\$ 667,500	\$ 111,250	\$11,576	-\$99,674	\$655,924	\$11,576
Hartford Action 8003	\$ 870,000	\$ 870,000	\$ 145,000	\$159,427	\$14,427	\$710,573	\$159,427
Envision Claims 18008	\$ 425,000	\$ 425,000	\$ 70,833	\$8,097	-\$62,736	\$416,903	\$8,097
<b>Totals</b>	<b>\$ 1,962,500</b>	<b>\$1,962,500</b>	<b>\$ 327,083</b>	<b>\$179,100</b>	<b>-\$147,983</b>	<b>\$1,783,400</b>	<b>\$179,100</b>

\*Approved by City Council at the midpoint of \$1,962,500 million.

\*\*Invoices dated February 16, 2006 for period January 1 through January 31, 2006.

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